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VIRGINIA IN 1639.

HARVEY'S SECOND ADMINISTRATION.

(Abstracts by W. N. Sainsbury, and Copies in McDonald and De Jarnett Papers, Virginia State Library.)

(CONTINUED FROM XI. 288.)

THE KING TO THE GOVERNOR AND COUNCIL OF VIRGINIA.

(Abstract.)*

1639 (See April 4th.)

The King to the Governor and Council of Virginia. Has taken into consideration the abilities, industry and many good services of Richard Kemp, Secretary of State in Virginia and being desirous to encourage his good endeavours, and reward his services, his Maj. has thought fit to continue said Richard Kemp Secretary of State in that Colony. They are also required to give him that place and respect which he hath formerly enjoyed there without further dispute & to assist him in the recovery of debts & fees due to him in that Colony, & in the settling & disposing of his estate & affairs. Also the King confirms to said Richard Kemp the office for registering of cask with the fee thereto belonging as ordered by Act of Assembly—And grants him license to come to England for the dispatch of some affairs of his own and power to appoint a deputy or deputies during his absence—Indorsed, “The effect of a letter which Mr. Sec. Windebank is humbly desired by the Lord Maltravers and the Lord Baltimore to get signed for Mr. Kemp.—(*Colonial Papers*, Vol. X, No. 43.)

*As an example of the difference between the abstracts in the English Calendar of Colonial State Papers and those prepared for the State of Virginia by Mr. Sainsbury, it may be of interest to state in regard to the abstracts printed here, that as given in the English Calendar they contain 403 words, and as prepared by Mr. Sainsbury for Virginia, 807 words. Not long before Mr. Sainsbury's death he wrote Mr. Phillip A. Bruce that the abstracts he had made for Virginia contained at the least one-third more words than those in the English Calendar, and that in many instances there was a greater increase.

RICHARD KEMP† TO ROBERT READ.

(Copy.)

S. P. O. Col: Vol. 10, No. 19.

Letter of Richard Kemp, Secretary of Virginia. April 4, 1639.

Sir,—I received yours of the 18th of October 1638, and therein an acknowledgment of your many obligations to me, never on my part deserved.

Nor is my fortune yett soe weathye as to repay, much lesse to bring you in any arere for favours imparted, the tearmes I stand upon necessitating mee still to crave, and (with the poore man that resorts to one place for dayly alms) to repaire to your assistance whence I have already found soe much reliefe.

Sir, constant reports assure us that the Virginia affaires are reduced under the old forme of Government by a Company, and Sir Francis Wyatt the Newlye elected Governor is daily expected. How farre this alteration concerneth mee in removall from my place I can not yett gather by Information; however I desire to bee spared from the employment and to gaine leave to repaire for England. To this purpose I have represented my suite to my Honorable freinds the Lord Maltravers and the Lord Baltimore craving their favours in procuring a letter from his Majestie on my behalfe (by the first Shipp if possible it may be done) for my returne for England. And that the Governor & Counsell might be required to assist my occasions as farre as might stand with Justice by their concerning the sale of my Estate or the getting in my debts, any way deu, eyther for fees during the execution of the place of Secretarye warranted to mee by his Majestie's Commission and by Act of Assembly regulated or otherwise.

And in particular that whereas by his Majestie's commands an Officer was to be appointed to keepe Register and certifie the Invoices of the Tobacco to the Lord Treasurer, &c.

† Richard Kemp (d. 1656) was appointed secretary of state of Virginia and member of the Council, at the instance of the Duke of Lennox and the Earl of Pembroke. He was an adherent of Governor Harvey and was charged with many oppressive and illegal actions of a character like those attributed to the Governor. The Harvey ring in the Colony had heard of the appointment of the new governor and was preparing for the coming storm.

And that a fee and allowance should be sett downe and payed to the sayd Officer out of the Commoditie exported, which accordingly was ordered to be two pence per cask for all Tobacco, by the Assembly (which payment was notwithstanding by order from the Lords this yeare suspended, the Masters of Shippes giving bond for payment thereof, if upon our answere from hence theire Lordshipps should find it fitting) I being appointed to that Office and having executed the service, might receive the paymett for the tyme. that I have executed the place according to the bonds given in by the sayd Masters.

To the effect hereof I humbly desire your furtherance which I doubt not as being never wanting to mee.

Your brother George* hath moved you in his letters (as he informeth me) to send him over some servants the next yeare, and to trust the adventure to William Varenett; but I have advised him to attend this change before he did engage himself further upon the place (for if their former courses in Government be persued, miserable will be the Tearmes of the Planters and indeed beneath the condition of freemen), he hath referred himselfe to be directed by mee herein. I confesse I have dissuaded him for some piece of selfe respect for I am soe in love with his nature and his disposition that I would not willingly part with him, but desire him a sharer with mee in another way which I hope will be more prosperous and thriving than this hath or can be. I shall be more open to you herein hereafter.

Sir, I must rest.

Your most obliged Servant,

(Signed) RICH: KEMP.

James Cittie, this 4th of Aprill, 1639.

To Robert Read, chief Secretarye to Sir Francis Windesbanke, &c.

THE GOVERNOR AND COUNCIL OF VIRGINIA TO THE
PRIVY COUNCIL.

(Copy.)

S. P. O. Col: Vol: 10, No. 20.

Letter from the Governor and Council of Virginia, May 12, 1639.

* George Read, afterwards member of the Virginia Council. See this *Magazine*, IV, 204, &c., VI, 407, &c.

May it please your Lordships,—Wee received your Lordshipp's order of the thirteene of November last past with a petition enclosed in the name of Thomas Cowell of the cittye of London Esq', Wherein the Petitioner doth humbly represent unto your Lordships that for thirty years past he hath been an Adventurer to this Colonye, and that about the yeare 1623 he began to settle a Plantation heere and soe continued for about fourteene yeares, sending over hither yearely good supplies untill the yeare 1636, when upon the death of one Thomas Kinston (factor heere for the Petitioner) the sayd Kinston's widdow was marryed to one Thomas Loving,* then in these parts, who (as in the sayd petition is alledged) upon the sayd marriage possessed himselfe of the Petitioner's Estate heere to a grate valeue.

Whereupon your Lordships being very sensible of the greate danger and hazard that may ensue to the Petitioner's Estate in case the sayd Loving should through evill husbandry waste or imbeazil the same to the Petitioner's wrong and greate prejudice, have thought fitt and are pleased to recommend the matter to our espetiall and particular care, and to that end to require us that sufficient security may be taken of the sayd Loving without delay, upon receipt of your Lordships sayd Order for the making good of the Petitioner's sayd Plantation, goods and servants, with the proffits thereof since they first came into his hands.

And to take such further course therein that the Petitioner may have such satisfaction from him for soe much as the Petition shall make appeare to be dew unto him, as shall be just and agreable to equitye.

Upon receipt of your Lordshipp's sayd Order wee summoned the sayd Loving before us and acquainted him with your Lordshipp's pleasures, requiring his obedience thereto and the performance of your Lordshipp's order touching the matter of securitye, who craved respite of tyme to procure the same. But

* Thomas Loving was a Burgess from James City, 1657-8. He was appointed Surveyor General of Virginia, and died about 1665. His daughter, Ann, married Edward Thruston on October 28, 1666, at Martin's Hundred.

upon his second appearance before us he submitted himself to what course wee should thinke fitt to take with him. But by reason of the said Mr. Cowell's demands were not stated in certaintye nor limited, he told us he could not procure securitye to make good his claime. Upon consultation had of the business wee considered that the restraint of his person would be as equall advantage to the sayd Mr. Cowell as to the sayd Mr. Lovell (the servants being thereby left without oversight by whose neglect the Estate in question might suffer much prejudice), which course therefore wee humbly conceived would not give that reliefe to the Petitioner which was honourably intended by your Lordships.

For which cause wee advised of another way as the most effectual and nearest (as the tearmes stood with Loving) to comply with the execution of your Lordship's sayd order. We caused an Inventorye to be taken of the whole Estate in the possession of the sayd Loving upon his oath (which inventorye is now in the hands and custodye of Mr. Kemp the Secretarye), and wee tooke bond of a thousand pounds sterling of him, with Securitye that he should not purloine or embezill any part or parsell of the sayd Estate soe brought into Inventorye untill further Order from the Court.

Which bond is likewise in the custodye of the sayd Mr. Kemp the Secretarye.

All which wee humbly submit to your Lordship's judicious considerations.

In all submission resting,

Your Lordship's most humbly to serve you,

(Signed)

John Harvey, Rich. Kemp,
Hen. Brown, W. Brocas.

James Cittie, this 12th of May, 1639.

To the Lords of the Privie Counsell, &c.

GOVERNOR HARVEY TO PRIVY COUNCIL.

(Copy.)

S. P. O. Colo: Vol. 10, No. 22.

Letter from Sir John Harvey Governor of Virginia.

MAY 20, 1639.

May it please your Lordships'

I received your Lordships order of the 25th of July last past with a petition enclosed in the name of one Ambrose Harmer,* inhabitant in Virginia, wherein the Petitioner represented to your Lordships that his Majestie was gratusly pleased about twelve months then passed, upon a petition exhibited by the Petitioner to grant him the tuition and government of Benoni Buck an Ideot one of the sonnes of Richard Buck† late Minister in Virginia, deceased; and gave order to the Right Honorable the Lord Cottington, Master of his Majesties Court of Wards and Surveyes to give deduction for the effecting thereof according to the course of that Point, which his Lordshipp accordingly did awarding the Petitioner a commission under the great Seale of England, with spetiale directions to the Governor of Virginia (for the tyme being) to execute the same. Which commission the Petitioner delivered to mee the Governor which I did not only refuse (as he pretendith) to execute, but as he further alleadgeth that I did deteine it from him, pretending a power in myself (by virtue of my new commission) to dispose of the sayd Ideott. Whereupon the Petitioner (as he informeth) was constrained to make his returne into England to his greate charge and hinderance in his affaires, and upon his humble motion to the sayd Lord and the counsell of the Court of Wards, it was ordered; that Mr. Attorney Generall and M^r attorney of the Court of Wards should conferr together and consider of my commis-

*For Harmer's petition to the King in regard to the idiot son of Rev. Richard Buck, see this magazine IX, 178. Harmer was a member of the Council, 1639-1640, and speaker of the House of Burgesses, 1646. See note, IX, 178.

† Rev. Richard Buck came to Virginia in 1610, and was minister at Jamestown. He died about 1624, having three sons Gershon, Peleg and Benoni, the latter an idiot.

sion and make report thereof and of their opinions therein to that Honorable Board which order and report together with the former proceedings were (as he informeth) to his Petition annexed (I having received the report enclosed) and forasmuch as it was the joint opinion of bothe the Attorneys that the Governor of Virginia hath noe power in his commission to dispose of any Ideott or Non Compos heire; and in respecte the Petitioner (as he alleadgeth) hath bene greatly charged with keeping of the Ideott a long tyme without any manner of recompence the Estate remaining in the Custodye of Mr. Richard Kemp in Virginia who hath alwayes enjoyed the same with the benefitt thereof since the Ideott came to age without being at any greate charge with the Ideott or rendering any accompt for the Estate soe detained. Whereupon your Lordships are pleased to require mee without further delay or excuse to give orders that the sayd Harmer may have the tuition of the sayd Ideott and his Estate and that M^r Richard Kempe may render him a just accompt of the Estate of the sayd Ideott any wayes come to his hands and deliver the same over with the hands of the sayd Harmer.

Wherein your Lordships may please to take Knowledge that at my last arrivall to the Colonye I found the sayd Ideott then newly come to the age of one and twenty yeares, the Guardian appointed by the will of the father being then lately deceased, by the expresse will of which Guardian the Estate of the Ideott was to be delivered to the sayd Mr. Kemp in whose worthe and honestie he was confident, principally thereby intending a protection to the sayd Ideott and his Estate from the sayd Harmer and his wife who had long gaped there after in his lifetyme having knowledge likewise that the former husband of the sayd Harmer's wyfe (being appointed by the sayd Mr. Buck the Minister an overseer of his will) had much enriched himself from the stocks of his Orphante, yett not with standing this trust imposed by the Guardian upon the sayd Mr. Kemp he did not invest himself into the Estate of the Ideott though he were often solicited and importuned there to by the Widow of the Guardian, untill presently upon my arrivall (the guardian having bene dead fower months before) I having understanding of the matter did think it fitt in some part to concurr with the desire of the deceased guardian in placing the Ideott under the tuition of Mr. Kemp at whose free

motion and desire I did order the Ideott and his Estate in this manner; that the sayd Mr. Kemp should injoye him and it for one yeare and Sergeant Major Donne* then another of his Majesties Counsell in Virginia the yeare following (who is since deceased) and soe to descend from tyme to tyme to the next of the Counsell according to their degree and plate, this way recompensing their greate charge and expense and the prejudice theire private estates did suffer by theire attending the publique service, the accustomed pay and pension being long since extinguished and withdrawn from them.

At the arrivall of the sayd Harmer with his commission for the finding of an office about the sayd Ideott Mr. Kemp his tyme was upon expiration and long before the departure of the sayd Harmer from the Colonye he delivered the possession of the sayd Ideott his Estate to the Sheriff of James Towne for the use and behalfe of Sergeant-Major Donne who was then in England employed in the publiq service of the Colonye.

Which Estate was within a month after (vizt) in March 1638, by spetiall order from mee rendered up to Harmer's wyfe which she acknowledged the Quarter Court following (vizt) in June, 1638, att which tyme the sayd Mr. Kemp brought in an accompt upon the oath of two that were employed as Cowkeepers over the sayd Ideott's cattell (wherein the Estate did allmost solely consist) both of what he received the yeare before and of the increase.

Having made this disposition as aforesayd of the sayd Ideott which I conceived to be for his Majesties honour and the good of the service, I did take boldness upon mee to give an accompt thereof to my very good Lord the Lord Cottington before I returned the sayd Harmer's Commission wherein I did humbly represent to his Lordshipp that by the privilege which this place hath allwayes injoyed since the Plantation of English, all matters that concerne this place and his Majesties subjects that live here have received their orders and directions from the Governor and counsell for his Majestie heere, and if that happiness should be

*George Donne, said to have been a son of Dr. John Donne, was appointed to the Virginia Council in 1637, and died about 1639. He held the rank of Sergeant-Major in the Colonial militia.

taken from them and the people constrained to attend all directions from England touching particular businesses that doe arise heere, greate inconvenience would thereby arise to the Colonye, which for the most part consisteth of very poor men to which may be added that dayly experience informeth how much a Virginia Estate (which consisteth for servants for tearme Yeares and Cattell) is wasted in the absence of a Master, through the neglect of Servants whose tyme expire with certaintye of charge to supplye them and noe advantage to the Master; Which is not alone the distresse of the Planter for his chargeable attendance on the Courts in England would engage his Estate (which though sufficient to mainteyne him and his familye heere, being converted into money is soon consumed) I did likewyse informe his Lordshipp that his Majestie had bene lately pleased to appoint a Treasurer heere to whose place it particularly belongeth to look at all things that concerne his Majestie in point of a rev-enue, for which reasons I did forbear to proceed upon any further inquiryes according to the commission on Harmer's behalfe untill his Majestie and his Lordshipp were acquainted herewith. And then (as I informed him) What further directions I did receive from his Lordship I would be very careful to put in execution.

This I have bene forced to be tedious in my Accompt to your Lordshipp of my proceedings in the matter in question and of the motives thereto, without contempt to the Commission (as I am traduced by the Petitioner or any inducement of proffit) to myself.

All which I humbly submitt to your Lordshipp's judicious censures imploring (out of my duetye in the service) your Lordshipp's honorable favoures to be Mediators to his Majestie on the behalfe of the Colonys that noe such graunts may pass hereafter as being very prejudiciall to the State thereof, this occasion being now taken away by the death of the sayd Ideott the account of whose Estate is transmitted to the Court of Wards by the said Harmer's wife, in whose custodye he dyed.. Thus humbly resting,

Your Lordshipp's most humbly to serve,

(Signed) JOHN HARVEY.

James Cittie, this 20th day of May, 1639.

REPORT OF SUB-COMMITTEE TO PRIVY COUNCIL ON CASE
OF THOS. HILL.

(Abstract.)

July 9, 1639.

Report of the Sub Committee for Foreign Plantations to the Lords of the Privy Council on petition of Thomas Hill* against Capt. Sam Mathews. That whereas Capt. Mathews complains that notwithstanding their Lordships letter of 25 July, 1638, neither he nor his agents are put in possession of the estate and goods directed to be delivered to him by said letter, but that some part thereof to a good value is still detained from him. They conceive it fit that Sir Thomas [Francis] Wyatt the now Governor and Council should by order from their Lo^{ps} be directed to put him in possession of such part of the said estate as is remaining unrestored and was taken from him upon complaint of said Thomas Hill upon said Governor's arrival there. Signed by Sir Will Becher, Sir Francis Wyatt, Abraham Williams & F. Meautys.—(*Colonial Papers*, Vol. 10, No. 26.)

REPORT OF SUB-COMMITTEE TO PRIVY COUNCIL ON CASE
OF EVANS vs. POYTHRESS.

(Abstract.)

July 23, 1639.

Report of the Sub-Committee for Foreign Plantations to the Lords of the Privy Council & on petition of Lawrence Evans† and letter from the Gov^r and Council in Virginia concerning their proceedings in the cause between Evans and Poythress. (See 26 March, 1639.) Because of a notorious deficiency in the prosecution by those entrusted by said Evans with his cause and that said Evans intends now to go in person to prosecute his cause more effectually. They think fit that letters be written to the New Gov^r of Virginia now going thither and to the Council there to recommend a new hearing of the differences between the said parties. Signed by Sir Will Becher, Abrah Williams,

* See this Magazine, XI, 170-171, 174-182, 285-287.

† See this Magazine, XI, 287-288.

Abrah. Dawes and Jo. Jacob.—(*Colonial Papers*, Vol. 10, No. 29.)

PETITION OF SOMERS ISLANDS COMPANY.

(Abstract.)

July 28, 1639.

Petition of the Governor & Company of London for the Plantation of the Somers Islands to the Commissⁿ for Foreign Plantations—Have been a company about 28 years and during that time sent so many planters who are become so numerous by the increase of children there born & servants yearly sent over as they are not able to subsist in that Island, but of late have inconsiderately dispersed themselves into other parts and especially last year when about 130 transplanted themselves to St. Lucia without ammunition or provisions befitting a plantation. Where they have been assaulted by savages & suffered very much sickness so that not one was in health. Understanding that there are four or five hundred now ready in like many to depart and that many more must of necessity depart because of the increase of the people & straightness of the place. And whereas petⁿ find an Agreement between the Company of Virginia & themselves when they purchased said islands from said Company that they should receive a large proportion of land in Virginia to continue to them forever because of the great defect of the quantity of land found in said Somers Islands, pray for a grant of land between the rivers Rappahannock or Potomac not yet inhabited by or granted to any. With reference to the Sub-Committee for Foreign Plantations for their report.

White Hall, 28 July, 1639.

(*Colonial Papers*, Vol. 10, No. 30.)

INCLOSURE IN PRECEDING PAPER.

(Abstract.)

Report of the Sub-Committee to the Commissioners for Foreign Plantations. Conceive that the land between the rivers

Rappahannock and Potomac* may be very fit and convenient to be granted to the petitioners. Neither is it yet inhabited nor has any grant (now in being) passed to any others, by reason the Grant to the Company of Virginia is long since dissolved. The Somers Island Company desire that said Grant may be exempted from the jurisdiction of Virginia, but offer that if the other parts within the limits of Virginia exempted from the jurisdiction thereof shall be hereafter adjudged to be restored again to the jurisdiction of Virginia they will likewise submit their Grant to the like order.

10 Aug., 1639.

(*Colonial Papers*, Vol. 10, No. 30, I.)

(TO BE CONTINUED)

VIRGINIA GLEANINGS IN ENGLAND.

Communicated by Mr. LOTHROP WITHINGTON, 30 Little Russell street, W. C., London (including "Gleanings" by Mr. H. F. WATERS, not before printed).

(CONTINUED)

CHARLES ANTHONYE of the parish of St. John Zacharie of London chiefe Grauer of the Kinges Maisties Mynt and of his Seales. Will 24 October 1615, proved 21 November 1615. To wife Elizabeth lease of dwelling house and childbed Lynen. To children Thomas, Richard, Charles, James Andrewe, Edward and Mary each 100 markes, to sons at 24 and daughter at 21 or marriage, and if any child die two thirds of the 100 markes to other children and one third to my wife if living. To eldest sonne Thomas all goldsmiths tooles worke presses patterns and prints of Seales and all Bookes and papers. Also my Seale Rynges, when Goods praysed wife to take what she pleases ac-

* This is the first suggestion in regard to setting apart the Northern Neck from the rest of Virginia. This petition was not granted, but the idea was to a certain extent embodied in the grant, ten years later, to Lord Hopton, Lord Jermyn, &c.